

China has agreed to match U.S. policy targeting synthetic fentanyl, but if we lose the authority to rapidly detect and outlaw fentanyl analogs, we lose any footing that we have with the Chinese Government in preventing fentanyl from entering our country. This scheduling order saves lives because China reciprocates. China's motive in scheduling fentanyl analogs isn't necessarily altruistic; it is because the United States is doing it. So if we stop, China stops, and if that happens, fentanyl analogs will surely flood our communities.

We can prevent this, so we must prevent it. With the ongoing increase in overdose deaths, we must continue to support efforts to curb fentanyl abuse. This means we must extend the classwide scheduling order that otherwise expires on May 6, 23 days away.

Now this, I think—I am pretty sure—isn't a political or a partisan issue. Senators from both sides of the aisle support efforts to schedule fentanyl substances. Members of the Biden administration have also indicated that addressing fentanyl is urgent. In fact, during his confirmation hearing before the Senate Judiciary Committee, Attorney General Garland stated that the constantly evolving nature of fentanyl analogs is—and I want to quote the new Attorney General—"a problem both for detection as well as . . . enforcement" and that he is "in favor of doing something either by scheduling or legislation" to proactively address the problem of fentanyl-related substances. Likewise, both law enforcement and substance abuse prevention groups believe Congress must act in scheduling fentanyl.

It is up to Congress to pass legislation to extend the fentanyl scheduling order. So I urge all of my colleagues to join me and a lot of other Republicans and Democrats in the fight against fentanyl. In the midst of an opioid epidemic, a polydrug crisis, and a COVID-19 pandemic, how can we allow for any additional death and destruction? The clock is ticking. We are closing in on the deadline of May 6.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that all time be yielded back on both sides on the Sherman nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VOTE ON SHERMAN NOMINATION

All postcloture time has expired.

The question is, Will the Senate advise and consent to the Sherman nomination?

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 146 Ex.]

#### YEAS—56

Baldwin	Heinrich	Portman
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Romney
Booker	Kaine	Rosen
Brown	Kelly	Sanders
Burr	King	Schatz
Cantwell	Klobuchar	Schumer
Capito	Leahy	Shaheen
Cardin	Lujan	Sinema
Carper	Manchin	Smith
Casey	Markey	Stabenow
Collins	Menendez	Tester
Coons	Merkley	Van Hollen
Cortez Masto	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	

#### NAYS—42

Barrasso	Graham	Moran
Blackburn	Grassley	Paul
Blunt	Hagerty	Risch
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Cassidy	Hyde-Smith	Scott (FL)
Cornyn	Inhofe	Scott (SC)
Cotton	Johnson	Shelby
Cramer	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Toomey
Daines	Lummis	Tuberville
Ernst	Marshall	Wicker
Fischer	McConnell	Young

#### NOT VOTING—2

Rounds	Tillis
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 33, Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission.

Charles E. Schumer, Patrick J. Leahy, Richard J. Durbin, Christopher A. Coons, Patty Murray, Jeff Merkley, Tammy Baldwin, Elizabeth Warren,

Robert Menendez, Richard Blumenthal, Kirsten E. Gillibrand, Chris Van Hollen, Ron Wyden, Angus S. King, Jr., Robert P. Casey, Jr., Amy Klobuchar, Christopher Murphy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2021, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Carolina (Mr. TILLIS).

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 147 Ex.]

#### YEAS—53

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Lummis	Stabenow
Coons	Manchin	Tester
Cortez Masto	Markey	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Grassley	Ossoff	Wyden
Hassan	Padilla	

#### NAYS—45

Barrasso	Fischer	Paul
Blackburn	Graham	Portman
Blunt	Hagerty	Risch
Boozman	Hawley	Romney
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young

#### NOT VOTING—2

Rounds	Tillis
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The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2021.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Ms. HASSAN. Mr. President, I ask unanimous consent that the Senate